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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/827,614

04/05/2001

Ronald A. Katz

258/180 (6646-101NR)

6985

35554

7590

05/04/2005

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/827,614

**Applicant(s)**

KATZ, RONALD A.

**Examiner**

Stella L. Woo

**Art Unit**

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/8/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2005 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-38, 40-50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entenmann et al. (US 4,996,705, hereinafter "Entenmann") in view of Troy et al. (US 4,494,197, hereinafter "Troy"), and further in view of the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") for the same reasons given in the last Office action and repeated below.

Entenmann discloses an analysis control system (lottery system) comprising:

interface structure (switching network 9 coupled to local switching system 3 to interface the customer station 1; col. 2, lines 7-30);

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record testing structure (customer eligibility is verified using database 19, such as by verifying that the particular customer has not exceeded a participation limit; col. 2, line 54 - col. 3, line 1); and

analysis structure (control processor 8 receives and processes lottery entry data, received from eligible customers, for use in a select lottery format, isolating winning callers (step 66) and afterwards, printing a record (step 70), placing a call and announcing the win to the customer (step 72), recording additional customer data after the win is announced (step 76) and printing a verification entry (step 78); col. 3, lines 9-67).

Entenmann differs from claims 29-38, 40-50, 52 in that it does not specify receiving a caller's social security number. However, as taught by Troy (col. 10, lines 54-60), it is well known to use a social security number for verifying a user's identify such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a social security number, as taught by Troy, within the system of Entenmann for verifying a caller's eligibility.

Entenmann and Troy further differ from claims 29-38, 40-50, 52 in that it does not recite the use of DNIS for selecting a specific operating format. However, Hester teaches the well known of DNIS for selecting a specific operating format from a plurality of formats and interacting with the caller according to the specified format (see entire publication) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of DNIS, as taught by Hester, within the combination of Entenmann and Troy in order to more quickly determine the service desired by a caller.

Regarding claims 30-34, 42-46, in Entenmann, callers provide credit card information (col. 2, lines 63-65).

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4. Claims 39 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Entenmann, Troy and Hester, as applied to claims 29 and 41 above, and further in view of Stephenson, Jr. et.al. (US 3,727,186, hereinafter "Stephenson") for the same reasons given in the last Office action and repeated below.

The combination differs from claims 39 and 51 in that although it does teach using a credit card number in determining eligibility (Entenmann, col. 2, lines 63-65), it does not specify the credit verification process as including testing for negative file data. However, Stephenson teaches that it is old and well known in the credit authorization art to test for negative file data (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col. 6, lines 30-37) such that it would have been obvious to an artisan of ordinary skill at the time of invention to test for negative file data, as taught by Stephenson, within the combination of Entenmann, Troy and Hester in order to quickly identify an invalid credit card number.

#### ***Response to Arguments***

5. Applicant's arguments filed April 11, 2005 have been fully considered but they are not persuasive.

Applicant argues that "while Entenmann simply checks for an appropriate area code or financial responsibility, Applicant's system receives signals indicative of the terminal digital data representing a calling telephone number and the social security number data for comparison against previously stored data." However, Entenmann clearly teaches determining a caller's eligibility to participate in the lottery by testing the caller's calling telephone number against previously stored data (the customer's telephone number is forwarded using automatic number

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identification, and the data base 19 is used to verify the eligibility of the particular caller, as identified by the caller's telephone number; col. 2, lines 54 – col. 3, line 1). Eligibility criteria includes determining whether the particular caller has exceeded his limited number of chances (col. 2, line 67 – col. 3, line 1). Troy was cited for its teaching of the use of a social security number for verifying a user's identify for participation in a lottery (col. 10, lines 54-60) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a social security number, as taught by Troy, within the lottery system of Entenmann as an alternative form of identification for verifying a caller's eligibility.

Applicant further argues that "Applicant's 'isolated subset' is the subject of further processing by the analysis system. Such an operation is totally missing in the Entemann disclosure." The examiner disagrees. In Entemann, after a winning customer is isolated (Figure 3; step 66), further processing by the control processor 8 is performed in order to print a record of the win (step 70), a call is initiated to the customer to announce the win (step 72), additional data is recorded (step 76) and a verification entry is printed (step 78).

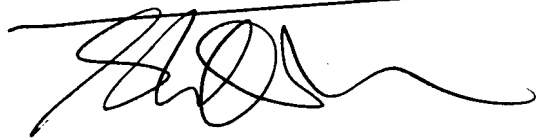
In response to applicant's arguments against the references of Troy and Hester individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Stella L. Woo', written over a horizontal line.

Stella L. Woo  
Primary Examiner  
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